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15 EXTREME NETWORKS, INC.

16 UNITED STATES DISTRICT COURT
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18 NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION
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20 YENNA WU, Derivatively on Behalf of
21 Nominal Defendant EXTREME
22 NETWORKS, INC.,

23 Plaintiff,

24 vs.

25 GORDON L. STITT, et al.,

26 Defendants,

27 and

28 EXTREME NETWORKS, INC.,

Nominal Defendant.

Case No. C-07-02268-RMW

**STATEMENT OF NON-OPPOSITION BY
EXTREME NETWORKS, INC. TO
MOTION TO CONSOLIDATE AND TO
APPOINT LEAD PLAINTIFF AND LEAD
COUNSEL**

Date: July 27, 2007

Time: 9:00 a.m.

Courtroom: 6

Judge: Hon. Ronald M. Whyte

LINDA ERIKSON, Derivatively on Behalf
of Nominal Defendant EXTREME
NETWORKS, INC.,

Plaintiff,

vs.

GORDON L. STITT, et al.,

Defendants,

and

EXTREME NETWORKS, INC.,

Nominal Defendant.

Case No. C-07-02388-RMW

FRANK A. GRUCEL, JR., Derivatively on
Behalf of Nominal Defendant EXTREME
NETWORKS, INC.,

Plaintiff,

vs.

GORDON L. STITT, et al.,

Defendants,

and

EXTREME NETWORKS, INC.,

Nominal Defendant.

Case No. C-07-02848-RMW

Nominal Defendant Extreme Networks, Inc. ("Extreme"), does not oppose Plaintiff Frank A. Grucel, Jr.'s Motion to Consolidate Actions and to Appoint Frank A. Grucel, Jr. Lead Counsel and Appoint Lerach Coughlin Stoia Geller Rudman & Robbins LLP Lead Counsel ("Grucel's Motion"). (Docket Entry Nos. 10-12).

Extreme agrees with Grucel that the three actions at issue should be consolidated. Extreme takes no position regarding the appointment of lead plaintiff and lead counsel. Extreme objects to the unsupported and inflammatory assertions and argument masquerading as "facts" within Grucel's Motion and asks that the Court disregard them (specifically, the argument at pages 1:16-3:6, 3:11-14, 3:20-5:27 of Grucel's Motion). Since those gratuitous allegations are

1 irrelevant to the substance of Grucel's Motion, however, no further response is necessary at this
2 time.

3 Extreme hereby advises the Court that the parties are in the process of documenting a
4 stipulated order to consolidate the three above-captioned derivative suits now pending in the
5 Northern District that are referred to in Grucel's Motion and to provide a pleading and briefing
6 schedule to which the parties have agreed. Subject to the Court's approval, the stipulation will
7 render the consolidation portion of Grucel's Motion moot.
8

9 Dated: July 6, 2007

Respectfully submitted,

10 **MORGAN, LEWIS & BOCKIUS LLP**
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20 **Attorneys For Nominal Defendant Extreme**
21 **Networks, Inc.**
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